

ARTICLE 18
SPECIAL HEIGHT AND USE REGULATIONS NEAR AIRPORTS

18.001 Lincoln Municipal Airport areas. Control of the height of structures in the vicinity of the Lincoln Municipal Airport shall be controlled by the City of Lincoln Codes, Chapter 27.58 and Chapter 27.59 inasmuch as all of the area within the three mile distance from the airport property line is within the City of Lincoln zoning jurisdiction. (Resolution No. 5367, August 26, 1996)

18.003 Height limitations. Publicly owned airports or publicly owned airfields that are developed or permitted to be developed in the County "AG" or "AGR" districts shall be controlled to limit and protect the development of the airport by use of the land and the control of the height of structures within the distance of three (3) miles from the airport property line. The conditions and criteria as noted below shall control the areas surrounding the proposed airport or airfield.

a) Airport location, boundaries, zones and height restrictions

The vicinity of a publicly owned airport or publicly owned airfield, from the boundaries of such airport or airfield to a distance of three (3) miles in all directions from the adjacent boundaries of such publicly owned airport/airfield, is hereby declared as an airport/airfield hazard area and shall be zoned as follows:

1) Hazard Area Description

The Hazard Area consists of Operation Zones, Approach Zones, Turning Zones and Transition Zones. The outer boundary of the Hazard Area is composed of a series of connected tangents and simple curves which also constitutes the outer boundaries of the Approach and Turning Zones.

2) Zone Descriptions

a) The Operation Zones shall be located along each existing or proposed runway, landing area or other portion of the airfield used regularly, or to be used regularly, for the landing or taking off of airplanes and shall begin or end at each end of each landing area and 200 feet beyond the end of each runway and shall be 1,000 feet in width for each instrument runway or landing area and 500 feet in width for all other runways and landing areas.

b) The Approach Zones shall begin at the ends of their respective Operation Zones and shall extend and expand uniformly centered along the extended centerline of the respective runway or landing area, to the outer boundary or the Approach Zone at a rate of 30 feet of width for each 100 feet of horizontal length for the instrument runway or landing area and 20 feet of width for each 100 feet of horizontal length for all other runways.

The Inner Area of each Approach Zone shall be that portion of the Approach Zone beginning at the end of the respective or proposed Operation Zone and extending to the intersection of the controlling glide angle with a plane 150 feet above the highest elevation of the end of the respective runway or landing area.

The Clear zone shall be the inner portion of the approach zone, also known as the inner area of the approach zone. As a minimum, the standard clear zone has a width of 250 feet at its beginning near the threshold and 450 feet at a point 1,000 feet from its beginning and centered on the extended runway centerline. The clear zone has a slope of 20:1 upward from the threshold to a height of 50 feet above the end of the runway for airports and special permit airfields. The area beneath the clear zone may be controlled by the airfield owner by fee title or an easement over the land.

The Outer Area of each Approach Zone shall be the area between the outer limit of the Inner Area of the Approach Zone and the outer limit of the Approach Zone.

c) The Transition Zones shall be the areas bounded by the Operation Zones of the Hazard Area, the sides of the contiguous inner areas of approach zones and the outer limits of the Transition Zones; said outer limits of the Transition Zones being the intersections, at elevations of 150 feet above the highest elevation at the end or edges of the closest runway or landing area, or proposed runway or landing area, of a series of contiguous planes originating from bases established by the Operation Zones of the Hazard Areas and the edges of adjacent inner areas of approach zones; said planes rising from the respective bases along lines perpendicular to the centerline of the runway or landing area at the rate of one (1) foot vertically to seven (7) feet horizontally to the lines of intersection previously referred to.

d) The Turning Zones shall comprise all portions of the Hazard Area not contained in the Operation Zones, Approach Zones and in the Transition Zones. The outer limits of the Turning Zones shall be a series of points forming a line which is the horizontal distance of three (3) statute miles from the nearest points along the airport property lines.

3) Height Restrictions

No building, transmission line, communication line, pole, tree, smoke-stack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired or established nor shall any tree or other object of natural growth be allowed to grow:

a) In Inner Areas of Approach Zones to a height above the elevation of the nearest point on the end or proposed end of said instrument runway or landing area in excess of 1/50, and all other runways or landing areas in excess of 1/40 of the distance from the end of the approach zone (the end nearest the runway or landing area) to said structure or object;

b) In the Outer Area of Approach Zones and in Turning Zones to a height in excess of 150 feet above the elevation at the end or proposed end of the nearest runway or landing area;

c) In the Transitions Zones to a height above the planes forming the transitions slopes; and

d) In the existing or proposed Operation Zones to a height above the existing or proposed finished grade of said runways or landing areas or surface of the ground.

b) Location sketch and zoning map

The boundaries, operation zones, approach zones, transition zones and turning zones of said airport/airfield will be indicated on the Lancaster County Zoning Map.

c) Permit required, exceptions, application forms and permit fees

1) Permit Required.

It shall hereafter be unlawful to erect construct, reconstruct, repair or establish any building, above ground transmission line, above ground communication line, pole, tower, smokestack, chimney, above ground wires or other structure or appurtenance thereto of any kind or character or to plant or replant any tree or other object of natural growth, within the boundary of the zoned area of said publicly owned airport/airfield without first obtaining a permit from the Building Official.

2) Exceptions.

In the Outer Area of Approach Zones and within the Turning Zones, no permit shall be required for any construction or planting which is not higher than seventy-five (75) feet above the elevation of the natural ground at the point of construction. Nothing herein shall require a public utility to obtain a permit for making repairs to reestablish service, provided such repairs do not change the height of the original facility.

3) Application Forms.

Application for a permit as required under these regulations shall be made upon a form to be available in the office of the Building Official, Lincoln, Nebraska and shall indicate the approximate location, ground elevation with reference to the elevation at the end of the nearest runway or landing area and height of the proposed structure or planting measured in North American Vertical Datum (NAVD 88). Notwithstanding the above, documents submitted before March 1, 2000 may be submitted in either NAVD 1988 or in elevations measured in relation to mean sea level. (Resolution No. R-00-18, February 22, 2000)

4) Permit Fees.

The fee for each permit issued shall be in accordance with Article 23 of these regulations, and all fees received shall be paid to the County Treasurer for deposit in the County funds. No fee shall be charged for a permit for any construction or repair whose estimated cost is less than \$100.00.

d) Non-conforming structures

Within the zoned area as hereinbefore defined, no non-conforming building, transmission line, communication line, pole, tree, smokestack, chimney, above ground wires, tower or other structure or appurtenance thereto of any kind or character of object of natural growth shall hereafter be replaced, substantially reconstructed, altered, replanted or allowed to grow, as the case may be, to a height which constitutes a greater hazard to air navigation above the heights permitted by these regulations; nor above the heights permitted by these regulations if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of 80 percent (80%) or more of the original condition, or abandoned for a period of twelve (12) months or more. Transmission lines and communication lines as referred to in these regulations shall be interpreted to mean all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the zoned regulated.

e) Marking of non-conforming structures

Whenever the Building and Safety Department shall determine that a specific non-conforming structure or object exists and has existed prior to the passage of these regulations and within the zoned area hereinbefore described at such height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport or airfield, the owner or owners and the lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the said official, and shall within a reasonable time permit the marking thereof by suitable lights or other signals designated by the said agency and based on the recommendations of lighting officials or the Nebraska Department of Aeronautics.

f) Administrative agency

The Building and Safety Department of the City of Lincoln, shall administer and enforce these regulations and shall be the administrative agency provided for in Section 3-319, R.R.S. 1943, and shall have all the powers and perform all the duties of the administrative agency provided for by the Airport Zoning Act, until otherwise ordered by the Lancaster County Board.

g) Zoning Board of adjustment

The County Board of Zoning Appeals as contained in Article 19 of these regulations, shall be the Board of Adjustments with respect to these regulations, to have and exercise the powers conferred by Section 3-320, R.R.S. 1943, and such other powers and duties as are conferred and imposed by law.

h) Notice

Public notice shall be provided in the affected area when it is to be established. (Resolution No. 5367, August 26, 1996)

18.005 Use Limitations. Publicly owned airports or publicly owned airfields that are developed or permitted to be developed in the "AG" and "AGR" Districts shall require the aircraft or vehicles utilizing such airport or airfield to clear the property line between the airport or airfield and the immediately adjacent property by a height of fifty (50) vertical feet during take off and landing operations. The City-County Planning Commission and the City Building and Safety Department shall recognize this clearance requirement and respect same in any land use and/or proposed changes in use or zoning of adjacent or nearby property.